

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**In re: Motion for Extension of Time
filed by LAVELLE JACKSON,**

Case No. 18-MC-0028

ORDER

Lavelle Jackson, an inmate at New Lisbon Correctional Institution, has filed a letter in which he appears to request an extension of time to file a petition for a writ of habeas corpus under 28 U.S.C. § 2254 while he pursues certain state remedies. Presently, however, it appears that a district court does not have authority to grant an inmate additional time to *commence* a habeas case. At least one appellate court has held that district courts do not have authority to extend the statute of limitations in advance, see *United States v. Leon*, 203 F.3d 162, 164 (2d Cir. 2000), and the Seventh Circuit has implied the same, see *Socha v. Boughton*, 763 F.3d 674 (7th Cir. 2014) (referring to the filing of a motion for an extension of time rather than a full habeas petition as “a pleading error”); *Carpenter v. Dittmann*, No. 14-1282 (7th Cir. June 5, 2014) (affirming the district court’s denial of a motion for extension of time to file a habeas petition because timeliness is an affirmative defense to be invoked by respondent). Thus, I cannot grant Jackson’s request. If Jackson is concerned about the timeliness of his federal petition, he should file a bare-bones habeas petition that complies with Rule 2(c) of the Rules Governing § 2254 Cases and states his unexhausted claims as soon as possible. Once a petition is on file, the court may in its discretion grant him a stay and abeyance .

THEREFORE, IT IS ORDERED that Jackson's request for an extension of time is **DENIED** and this miscellaneous case is **DISMISSED**.

Dated at Milwaukee, Wisconsin, this 16th day of August, 2018.

s/ Lynn Adelman _____
LYNN ADELMAN
District Judge